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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/890,260 | 08/07/2001 | Aki Koyabu | 210146US2PCT | 9257 |

22850 7590 06/29/2006

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| EXAMINER |
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SHIBRU, HELEN

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| ART UNIT | PAPER NUMBER |
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2621

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,260

Applicant(s)

KOYABU ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 078/07/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 04/06/2006, have been entered and made of record. Claims 1-27 are pending.

Response to Arguments

2. Applicant's arguments filed 04/06/06 have been fully considered but they are not persuasive. See the new ground of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Sumiya (EP 0 892 554 A2).

Regarding claim 1, Sumiya discloses an information retrieving apparatus retrieving contents of desired information from a plurality of contents of information provided by predetermined information providing means (see col. 1 lines 7-15 and col. 17-18), comprising; storing means for storing a usage history of a recording medium used for recording said contents of information (see col. 16 lines 44-54, col. 18 lines 56, col. 20 lines 25-45 and 51-57, and col. 21 lines 11-21); and

retrieving means for retrieving contents of information from said plurality of contents of information on the basis of said usage history so as to match a user's preference (see col. 16 lines 3-11, col. 19 lines 28-40, col. 21 lines 22-29 and line 56-col. 22 line 18), wherein said retrieved contents of information are displayed on display means, and header information indicates contents of said retrieved information (see col. 16 lines 37-54, col. 17 lines 20-40, col. 18 lines 34-56 and figures 6, 9, 17-19 and 31).

Regarding claim 2, Sumiya discloses selection means for selecting the items of information for display on the basis of said usage history so as to match the user's preference (see col. 16 lines 3-54 and figures 7a and b).

Regarding claim 3, Sumiya discloses said usage history comprises a record history contents which has been recorded on said recording medium (see col. 20 lines 46-57 and col. 21 lines 11-21).

Regarding claim 4, Sumiya discloses said usage history comprises a reproduction history of contents, which is obtained by reproducing said contents recorded in said recording medium (see col. 25 lines 28-58).

Regarding claim 5, Sumiya discloses said usage history information comprises record/reproduction history information of the contents of information which is obtained by recording or reproducing said contents of information provided by said information providing means, in/from said recording medium (see col. 20 lines 46-57, col. 21 lines 11-21 and col. 25 lines 28-58).

Regarding claim 6, Sumiya discloses said contents of information comprises information of broadcasting programs (see col. 23 lines 15-31).

Regarding claim 7, Sumiya discloses an information receiving apparatus for receiving contents of desired information by retrieving said information from a plurality of contents of information which is transmitted from predetermined information transmitting means (see col. 1 lines 7-15 and col. 17-18), comprising:

storing means for storing a usage history of recording medium used for recording said contents of information (see col. 16 lines 44-54, col. 18 lines 56, col. 20 lines 25-45 and 51-57, and col. 21 lines 11-21); and

retrieving means for retrieving contents of information from said plurality of contents of information on the basis of said usage history so as to match a user's preference (see col. 16 lines 3-11, col. 19 lines 28-40, col. 21 lines 22-29 and line 56-col. 22 line 18), wherein

said retrieved contents of information are displayed on display means, and header information indicates contents of said retrieved information (see col. 16 lines 37-54, col. 17 lines 20-40, col. 18 lines 34-56 and figures 6, 9, 17-19 and 31).

Regarding claim 8, Sumiya discloses selection means for selecting the items of information for display on the basis of said usage history so as to match the user's preference (see col. 16 lines 3-54 and figures 7a and b).

Regarding claim 9, Sumiya discloses said usage history comprises a record history contents which has been recorded on said recording medium (see col. 20 lines 46-57 and col. 21 lines 11-21, col. 24 lines 21-37 and col. 25 lines 9-20).

Regarding claim 10, Sumiya discloses said usage history comprises a reproduction history of contents, which is obtained by reproducing said contents recorded in said recording medium (see col. 25 lines 28-58).

Regarding claim 11, Sumiya discloses said usage history comprises viewing history information the contents of information, which is obtained by viewing said contents of information recorded in said recording medium (see col. 25 lines 29-45).

Regarding claim 12, Sumiya discloses said usage history information comprises record/reproduction/viewing history information of the contents of information, which is obtained by recording, reproducing and viewing said contents of information transmitted by said information transmitting means, in/from said recording medium (see col. 18 lines 13-19, col. 25 lines 29-58).

Regarding claim 13, Sumiya discloses said contents of information comprises information of broadcasting program (see col. 23 lines 5-31).

Claims 14-20 are method claims corresponding to apparatus claims 1-6. Therefore claims 14-20 are rejected for the same reason as discussed in claims 1-6.

Claims 21-27 are method claims corresponding to apparatus claims 7-13. Therefore claims 21-27 are rejected for the same reason as discussed in claims 7-13.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

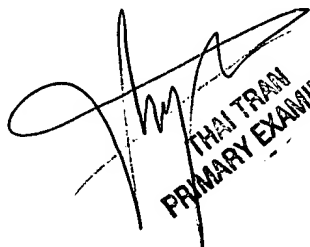
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
June 23, 2006



THAI TRAN
PRIMARY EXAMINER